pass any * * * law impairing the obligation of contracts." The grant and acceptance of the charter constituted a contract between the commonwealth and the society which the former could not violate. *In re Opinion of the Justices* (Mass., 1921), 131 N. E. 29.

This doctrine was laid down in Massachusetts as early as 1806, in *Wales* v. *Stetson,* 2 Mass. 143. But by far the leading case on the subject is *Trustees of Dartmouth College* v. *Woodward* (1819), 4 Wheat. (U. S.) 518, 1 WILGUS CORP. CASES 708, which Chief Justice Waite said had become so imbedded in our jurisprudence as to be "to all intents and purposes part of the Constitution itself." *Stone* v. *Mississippi,* 101 U. S. 814, 2 WILGUS CORP. CASES 1348. The doctrine, however, has not been free from attack. See *Toledo Bank* v. *Bond,* 1 Ohio St. 622; *Dow* v. *Northern Railroad,* 67 N. H. 1. When charters of private corporations were granted by special legislative acts, as in the *Dartmouth College* case, the grant could quite readily be interpreted as giving rise to a contract between the state and the corporation. The act conferring corporate powers is in the nature of an offer on the part of the state which may be revoked at any time before acceptance. *State* v. *Dawson,* 16 Ind. 40, 1 WILGUS CORP. CASES 412. Upon acceptance, the implied agreement of the corporation to perform the duties imposed upon it is an adequate consideration, and a binding contract is formed. Now, although corporations are formed under general laws, this contract still arises. *Abbott* v. *The Johnston, etc., Ry. Co.,* 80 N. Y. 27. In most states, as in Massachusetts (R. L. 1902, c. 109, Sec. 3), the power to repeal and amend is now reserved to the legislature by a general law. It becomes a term of the charters, without reference to it, of all corporations subsequently organized. *Thornton* v. *Marginal Freight Ry. Co.,* 123 Mass. 32. But the charter in the principal case was granted fifteen years before the Massachusetts statute became operative, and a case is presented which is becoming more and more uncommon. The decision shows no tendency on the part of the court to break away from the *Dartmouth College* case, but to adhere strictly to its doctrine. See also 4 MICH. L. JOUR. 251; 4 MICH. L. REV. 306; 7 *ibid.* 64, 201, 591; 9 *ibid.* 225.

CRIMES—CONSPIRACY—INDICTMENT.—In a prosecution for conspiracy to violate the National Prohibition Act, the indictment charged with conspiracy thirty-one named persons, together with divers other persons to the grand jurors unknown. Proffered evidence would have shown that some of the "other persons" were known to the grand jurors. *Held,* there was no error in the rejection of the evidence, since no necessity exists for joining or naming all the conspirators in a single indictment. *United States* v. *Heitler,* 274 Fed. 401.

A true averment that the names of the other conspirators are to the grand jury unknown has always been held sufficient. *People* v. *Mather,* 4 Wend. 229; *Cooke* v. *People,* 231 Ill. 9. But, furthermore, it is never incumbent on the prosecution to charge all who have participated in the unlawful undertaking, *People* v. *Richards,* 67 Cal. 412; nor is it necessary to allege the names of all the parties to the conspiracy. *State* v. *Lewis,* 142 N. C. 626;

contra, State v. *Dreany,* 65 Kan. 292. And even where it is required that the names of all the parties to the conspiracy be alleged, it is not essential to the sufficiency of the indictment that all such parties be jointly charged with the commission of the offense. *State* v. *Dreany, supra.* When, as in the principal case, the indictment charges the defendants therein named with having conspired "with divers other persons to the said grand jurors unknown," and it appears by the proof that such other persons are known to the grand jury, the question arises as to whether this averment is a material one and the variance fatal. On this point the courts have quite uniformly held that the variance is not fatal and that the names of the parties with whom the indicted defendants conspired are not descriptive of the offense. *Jones* v. *United States,* 179 Fed. 584; *People* v. *Smith,* 239 Ill. 91; *People* v. *Mather, supra.* Thus, it follows that the averment is mere surplusage. The court in the principal case subscribes to this view, but, as it points out, quoting from the opinion in *Cochran* v. *United States,* 157 U. S. 286: "The true test is, not whether it (the indictment) might possibly have been made more certain, but whether it contains every element of the offense intended to be charged, and sufficiently apprises the defendant of what he must be prepared to meet."

EVIDENCE—OPINION BY AN EXPERT WITNESS ON "THE VERY ISSUE" INADMISSIBLE.—D had been convicted of murder and sentenced to death. Pursuant to a statute which provided for a stay of execution until recovery of persons becoming insane between conviction and execution, D's counsel petitioned that a jury be impaneled to try D's sanity. By the court's order three alienists examined D and at the hearing without a jury were permitted to express their opinion as to D's sanity at the time of the examination. On a writ of error it was *held,* that there should be another hearing before a jury and that the opinions of the experts should not be received on the very question the jury were to pass upon. *People* v. *Geary* (Ill., 1921), 131 N. E. 652.

Although the issue is a bit beclouded by the suggestion that hypothetical questions might properly be asked the experts, the question of the admissibility of an expert's opinion upon "the very issue" seems to be fairly raised. Authority for the decision may be found in *C. & A. R. Co.* v. *R. Co.,* 67 Ill. 145; *Goddard* v. *Enzler,* 222 Ill. 462; and *Keefe* v. *Armour & Co.,* 258 Ill. 28. But even the Illinois court is not consistent. The issue in the instant case is precisely the same as in the hearing on a petition to have a conservator appointed for an alleged insane person. In such a case it has been held that the opinion of a lay witness who was well acquainted with the respondent was admissible. *Neely* v. *Shephard,* 190 Ill. 637. The essence of the objection is that such opinions usurp the function of the jury. However, the jury is always at liberty to question not only the facts upon which the opinion is based but also the soundness of the opinion. The reason for admitting expert opinion in matters of skill and science is to help the jury in determining facts with which the layman is unfamiliar. This help is equally useful whether one or several issues are to be tried. Many cases have held